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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,215	06/09/2005	Warner Rudolph Theophile Ten Kate	NL 021375	1789
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PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER TSUI, WILSON W	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/538,215	Applicant(s) TEN KATE ET AL.	
	Examiner Wilson Tsui	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/06/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20070326</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on: 06/06/2007, and IDS filed on: 03/26/2007.
2. Claims 1, 3, and 6-10 are amended. Claims 1, 6, and 10 are independent claims. Claims 1-10 are pending.
3. The 35 U.S.C. 112 rejections with respect to claims 8 and 9 are withdrawn, in view of applicant's amendment.
4. The 35 U.S.C. 101 rejections with respect to claims 3, 6-10 are withdrawn, in view of applicant's amendment's and arguments.
5. Claims 1, 2, 3, 5, 6, 8, and 10 remain rejected under 35 U.S.C. 102(b) as being anticipated by Himmel et al (US Patent: 6,208,995 B1, issued: Mar. 27, 2001, filed: Nov. 24, 1997).
6. Claims 4, 7, and 9 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel et al (US Patent: 6,208,995 B1, issued: Mar. 27, 2001, filed: Nov. 24, 1997), in further view of Metz et al (US Patent: 5,768,539, issued: Jun. 16, 1998, filed: Dec. 17, 1996).

Information Disclosure Statement

7. The information disclosure statement (IDS) submitted on 03/26/2007 was filed after the mailing date of the Non-Final Office Action on 03/06/2007. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

8. The drawings filed on: 06/09/2005 are accepted.

Priority

9. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10/538215, filed on 06/09/2005.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 2, 3, 5, 6, 8, and 10 remain rejected under 35 U.S.C. 102(b) as being anticipated by Himmel et al (US Patent: 6,208,995 B1, issued: Mar. 27, 2001, filed: Nov. 24, 1997).

With regards to claim 1, Himmel et al teaches a method comprising:

Requesting by the user for the document to be presented (column 7, lines 40-50:

whereas, a user requests a home web page, by activating a bookmark set)

Determining if the document is present within a sub-collection of the collection, the sub-collection comprising those documents, of the collection of documents, that are allowed to be presented to the user (column 9, lines 30-55: whereas, a document is checked to determine if it is within a subcollection/set of a collection of bookmark sets)

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Presenting the document to the user if the document is present within the sub-collection

(column 9, lines 30-55: *whereas, the document is presented to the user if the document is within the subcollection/set), wherein the sub-collection of the collection is determined based on an application located on an information carrier:* *whereas, the user*

administrator preference values are made available through an application located on an information carrier bookmark set/subcollection accessed through a bookmark

mechanism (application, column 7, lines 1-8). Himmel's teachings/invention, which

comprises the bookmark mechanism, and preference retrieval functions/applications

(column 7, lines 55-65), are implemented through a set of instructions, located on an information carrier (either locally, or remotely), is implemented (column 4, lines 50-67).

*With regards to claim 2, which depends on claim 1, Himmel et al teaches reading the sub-collection from a location (column 13, lines 26-60: *whereas, a subcollection/set, is retrieved/read from an internet web site.*)*

With regards to claim 3, which depends on claim 2, Himmel et al teaches wherein the location is one of (the information carrier) an internet site, as similarly explained in the rejection for claim 2, and is rejected under similar rationale.

*With regards to claim 5, which depends on claim 2, Himmel et al teaches wherein the location comprises a reference to the sub-collection (column 13, lines 50-60: *whereas, a hyperlink is the reference to the sub-collection/set.*)*

With regards to claim 6, for a system performing a method that is similar to the method of claim 1, is rejected under similar rationale.

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With regards to claim 8. for a *Media player comprising the system according to claim 6*, is rejected under similar rationale as claim 6 (since the system of claim 6 “plays” internet document media).

With regards to claim 10. for a *computer -executable program product embodied on a computer readable medium for enabling a computer to perform the method according to claim 1*, is rejected under similar rationale as claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4, 7, and 9 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel et al (US Patent: 6,208,995 B1, issued: Mar. 27, 2001, filed: Nov. 24, 1997), in further view of Metz et al (US Patent: 5,768,539, issued: Jun. 16, 1998, filed: Dec. 17, 1996)

With regards to claim 4, which depends on claim 2, Himmel et al teaches:

Reading/retrieving a document *from the location; and continuing reading/retrieving a document if the document that the user requested is present within the sub-collection comprising those documents that are allowed to be presented to the user* (column 9, lines 30-55).

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However, Himmel et al does not expressly teach that the document is an *interactive presentation*.

Metz et al teaches a document/data file is an *interactive presentation* (column 10, lines 45-51: whereas a data file is an interactive presentation).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Himmel et al's method for restricting access to particular documents/files, such that interactive presentations are restricted as well, as taught by Metz et al. The combination of Himmel et al and Metz et al would have allowed Himmel et al to have "dynamically downloaded applications program software" (column 1, lines 21-22).

With regards to claim 7, which depends on claim 6, Himmel et al teaches: *reading means conceived to read the sub-collection from the information carrier*, as similarly explained in the rejection for claim 2.

Additionally, as explained in the rejection for claim 4, Himmel et al and Metz similarly teach *playing means conceived to continue playing an interactive presentation if the document, that the user requested, is present within the sub-collection comprising those documents that are allowed to be presented to the user*.

With regards to claim 9. *Information carrier for use in the media player according to claim 8*, (as similarly explained in the rejection for claim 6, and is rejected under the same rationale) *the information carrier comprising an interactive presentation and a sub-collection comprising those documents that are allowed to be presented to a user* (as similarly explained in the rejection for claim 4).

Response to Arguments

12. Applicant's arguments filed 6/06/2007 (with respect to the 35 USC 101 rejections), are persuasive, and thus, the 35 USC 101 rejections for claims 3, 6-10, are withdrawn.

13. Applicant's arguments filed 6/06/2007 (with respect to the 35 USC 102 rejections for claims 1-3, 5-6, 8 and 10, and the 35 USC 103 rejections for claims 4, 7, and 9) been fully considered but they are not persuasive.

14. With regards to claim 1, the applicant argues that "As such, each bookmark set in Himmel is determined simply based on user/administrator preference", and that "the bookmark set may then be made available on a website and /or webserver for other users to download", therefore; "Himmel fails to determine a sub-bookmark list based on an application located on an information carrier, but instead simply creates a list of active and inactive bookmarks based on the preferences of an administrator/parent". However, this argument is not persuasive, since although the sub-bookmark list/collection/set is based on user/administrator preference (Column 7, lines 23-27), the user administrator preference values are made available through an application located on an information carrier bookmark set/subcollection accessed through a bookmark mechanism (application, column 7, lines 1-8). Himmel's teachings/invention, which comprises the bookmark mechanism, and preference retrieval functions/applications (column 7, lines 55-65), are implemented through a set of instructions, located on an information carrier (either locally, or remotely), is implemented (column 4, lines 50-67). Thus, in order to obtain the preference values, the application on an information carrier

must be accessed first, and thus the sub-bookmark list is also based on an application located on an information carrier as well, and the applicant's argument is therefore not persuasive.

15. With respect to applicant's argument that claim 6 is allowable, since it includes similar limitations as allowable claim 1, is not persuasive, since claim 1 has been explained/shown to be persuasive.

16. With respect to the applicant's argument that all of the claims dependent upon allowable independent claims (such as 1, and 6), are allowable, since the independent claims are allowable, not persuasive, since the independent claims have been shown/explained to be rejected.

17. With respect to applicant's argument that claims 4, 7 and 9 are allowable, since they depend on allowable independent claims, is not persuasive since the independent claims have been explained to be rejected.

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wilson Tsui whose telephone number is (571)272-7596. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

W. T. 08/17/07

Wilson Tsui
Patent Examiner
Art Unit: 2178
August 17, 2007


CESAR PAULA
PRIMARY EXAMINER